

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 06, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTINE MIX,

Defendants.

Nos. 2:24-CR-00033-MKD-2

ORDER FOLLOWING  
DETENTION REVIEW  
HEARING

**MOTION DENIED**  
**(ECF No. 42)**

On April 22, 2024, the Court held a detention review hearing to consider Defendant CHRISTINE MIX's Motion to Revisit Detention. **ECF No. 42.** Defendant appeared while in custody with court-appointed counsel Robert Seines. Assistant U.S. Attorney Rebecca Perez represented the United States. U.S. Probation Officer Patrick J. Dennis was also present.

**I. MOTION TO REOPEN DETENTION**

Defendant seeks temporary release to Spokane Addiction Recovery Centers (SPARC), an inpatient substance abuse treatment facility, on April 23, 2024, at 12:30 p.m. to avail herself of substance abuse treatment. **ECF No. 42.** The Court finds that Defendant's Motion to Revisit Detention, ECF No. 42, constitutes a sufficient basis to reopen the question of detention pursuant to 18 U.S.C. § 3142(f) and conduct another detention hearing.

Specifically, Defendant, through counsel, presented a proposed release plan for temporary release to inpatient substance abuse treatment and argued the treatment conditions justify reconsidering Defendant's detention and that the proposed release plan would reasonably assure Defendant's appearance as required

1 and/or the safety of any other person and the community. The Court noted that  
2 Defendant previously admitted to a lengthy history with substance abuse, but also  
3 claimed that she “has not consumed cocaine for approximately 20 years” and that  
4 she has not “consumed methamphetamine for 5 years.” ECF No. 26 at 2.

5 The United States argued there remain no conditions that justify  
6 reconsidering detention and there are no conditions the Court could impose that  
7 would reasonably assure Defendant’s appearance as required and/or the safety of  
8 any other person and the community.

9 The Court has reviewed and considered: the proffers and arguments of  
10 counsel; the Indictment, ECF No. 1; the Government’s Motion for Detention, ECF  
11 No. 10; the Pretrial Services Report, ECF No. 11; the Supplemental Pretrial  
12 Services Report, ECF No. 26; the Supplemental Pretrial Services Report, ECF  
13 No. 32; the Court’s prior Order Following Detention Hearings on Indictment, ECF  
14 No. 34; and Defendant’s Motion to Revisit Detention, **ECF No. 42**. Pursuant to 18  
15 U.S.C. § 3142, the Court also considered: 1) the nature and circumstances of the  
16 offense charged; 2) the weight of the evidence against Defendant; 3) Defendant’s  
17 history and characteristics, including character, physical and mental condition,  
18 family ties, employment, financial resources, length of residence in the  
19 community, community ties, past conduct and history relating to alcohol and drug  
20 abuse, and also criminal history, record concerning appearance at court  
21 proceedings, and whether Defendant was under supervision at the time of the  
22 alleged offense; and, 4) the nature and seriousness of the danger to the community  
23 posed by Defendant’s release. *See* 18 U.S.C. § 3142(g). The Court also  
24 considered that a rebuttable presumption of detention applies in this case pursuant  
25 to 18 U.S.C. § 3142(e)(3)(A) as this case involves offenses under the Controlled  
26 Substances Act for which the maximum penalty is ten years or more in prison.  
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1 ECF No. 1, 3. The United States has invoked the presumption of detention. ECF  
2 No. 10 at 2.

3 On the record, facts, and proffers before the Court, and for the reasons stated  
4 in this Order, in the Court's prior Order Following Detention Hearings on Indictment,  
5 ECF No. 34, and during the last hearing, Defendant's latest release proposal fails to  
6 overcome the rebuttable presumption of detention in this case. Additionally,  
7 regardless of the rebuttable presumption of detention, Defendant's latest release  
8 proposal also fails to alter the Court's prior findings that the United States has  
9 established by the required preponderance of evidence an absence of conditions or  
10 combination of conditions of release that would reasonably assure Defendant's  
11 appearance as required and that the United States has established by clear and  
12 convincing evidence that Defendant poses a present risk to the safety of other  
13 persons or the community that cannot be mitigated by conditions or a combination  
14 of conditions of release. Accordingly, Defendant's motion for temporary release to  
15 inpatient substance abuse treatment is denied.

16 **IT IS ORDERED:**

17 1. The Defendant's Motion for Reconsideration of Detention, **ECF**  
18 **No. 42**, is **DENIED**. Defendant shall be held in detention pending disposition of  
19 this case or until further order of the court.

20 2. Defendant is committed to the custody of the U.S. Marshal for  
21 confinement separate, to the extent practicable, from persons awaiting or serving  
22 sentences or being held in custody pending appeal.

23 3. Defendant shall be afforded reasonable opportunity for private  
24 consultation with counsel.

25 4. If a party seeks reconsideration of Defendant's detention before this  
26 Court because of material and newly discovered circumstances pursuant to 18  
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1 U.S.C. § 3142(f), any such motion shall be a maximum of four-pages in length and  
2 shall succinctly state what circumstances are new, how they are established, and  
3 the requested change in conditions of release. The motion shall indicate whether  
4 opposing counsel; United States Probation/Pretrial Services; or another party with  
5 a substantial interest in the motion objects, whether a hearing is desired, and  
6 whether a supplemental pretrial services report is requested. If the moving party,  
7 after the exercise of due diligence, is unable to determine the position of any party  
8 listed above, the moving party may in the alternative document the date; time; and  
9 manner of each effort made to determine that party's position and request the Court  
10 treat the motion as expedited and submitted without argument. **Motions in**  
11 **Spokane cases shall be heard as set by the Spokane Magistrate Judge**  
12 **Courtroom Deputy. Yakima cases shall be heard on the following Wednesday**  
13 **docket, and Richland cases shall be heard on the following Thursday**  
14 **docket.** If the Court determines that oral argument is unnecessary on the motion,  
15 the motion shall be set for decision on the Court's 6:30 p.m. docket.

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17 5. If a party desires that another court review this Order pursuant to 18  
18 U.S.C. § 3145, that party shall promptly file a motion for review before the district  
19 judge to whom the case is assigned, as further described in the Detention Order  
20 Review Protocol published for the Eastern District of Washington. Both parties  
21 shall cooperate to ensure that the motion is promptly determined.

22 **IT IS SO ORDERED.**

23 DATED May 6, 2024.



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JAMES A. GOETKE  
UNITED STATES MAGISTRATE JUDGE